

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 418.00: PAYMENTS FOR YOUTH SHORT-TERM STABILIZATION AND EMERGENCY PLACEMENT SERVICES

Section

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418.01: General Provisions

- (1) Scope. 101 CMR 418.00 governs the payment rates for youth short-term stabilization and emergency placement services provided to clients of governmental units under the jurisdiction of the Executive Office of Health and Human Services (EOHHS).
- (2) Disclaimer of Authorization of Services. 101 CMR 418.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 418.00. Governmental units that purchase the services described in 101 CMR 418.00 are responsible for the definition, authorization, and approval of services extended to clients.
- (3) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 418.00.
- (4) Applicable Dates of Service. Rates contained in 101 CMR 418.00 apply for dates of service provided on or after October 1, 2020.

418.02: Definitions

As used in 101 CMR 418.00, unless the context requires otherwise, terms have the meanings in 101 CMR 418.02.

Add-on Rate. A rate that is intended to provide an additional, necessary service not included in the current programmatic model, which will be instituted at the discretion of the purchasing governmental unit.

Alternative Lock-up Program. An Alternative Lock-up Program (ALP) relieves police departments of the burden of caring for juveniles held on bail, prearrest, during non-court hours, thereby ensuring that no juvenile is detained in a police lockup for longer than the federally mandated six-hour time limit. An ALP must provide a minimum number of beds at separate locations, for use by either males or females, to house alleged juveniles held on bail, prearrest, from the time of their arrest until their arraignment during the next available court session. An ALP serves juvenile offenders who are arrested during non-court hours by law enforcement agencies within their designated region.

Client. A child, adolescent, or young adult receiving youth short-term stabilization and emergency placement services purchased by a governmental unit.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) is used when required.

EOHHS. The Executive Office of Health and Human Services, established under M.G.L. c. 6A.

Full-time Equivalent (FTE). Staff position equivalent to a full-time employee.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth, and any political subdivision of the Commonwealth.

Per Diem. Service unit based on a 24-hour period of care.

Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers youth short-term stabilization and emergency placement services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been or may be adopted by a purchasing governmental unit.

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Staffing Support. The additional staff members, with positions ranging from clinical to direct care and including varying levels of support staff from food services to secure transporters, who supplement DYS staff within the state-operated residential programs. The purchasing agency provides specific definitions for each position.

Utilization. The proportion of a program's capacity that is filled by clients on a regularly measured basis, expressed as a percentage.

Youth and Transition Age Youth Detoxification and Stabilization Programs. A short-term (generally less than 45 days) 24-hour addiction treatment program for adolescents or transition age youth who abuse or are dependent on alcohol or drugs, which may be accompanied by mental health issues. These programs provide stabilization/detoxification services for males and females 13 through 17, and 16 through 20 years of age. Services provide gender-specific medical, psychological, and behavioral stabilization; biopsychosocial assessment; treatment planning; referral to appropriate treatment and support services; and follow-up for the adolescents.

Youth Short-term Stabilization and Emergency Placement. Programs that provide a child or adolescent a place of overnight housing in a specialized residential setting for a short-term period, generally less than 45 days, to promote stabilization, determine appropriate long-term placement, or provide integration and ongoing services.

418.03: Rate Provisions

(1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth by the purchasing governmental unit(s).

(2) Reimbursement as Full Payment. Each eligible provider must, as a condition of payment by any purchasing governmental unit, accept the approved rate as full payment and discharge of all obligations for the services rendered. Payment by the purchasing governmental unit for services rendered to the client are reduced by the amount of any payment from any other source.

(3) Payment Limitations. Except as provided in 101 CMR 418.03(2), (4) and (5), each purchasing governmental unit pays for services at the rates established in 101 CMR 418.03(4).

(4) Approved Rates. The rates set forth in 101 CMR 418.03(4) govern payments for services provided pursuant to contracts executed under the FY 2013 or subsequent procurements of the governmental unit procuring the service. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed below.

**RATES FOR THE ALTERNATIVE LOCK-UP PROGRAM**

| Capacity | Monthly Rate |
|----------|--------------|
| Per Site | \$45,477     |

**RATES FOR STAFFING SUPPORT**

| Positions              | Per Diem Rate | Hourly Rate | 30-Minute Rate |
|------------------------|---------------|-------------|----------------|
| Clinical Director      | \$443.80      | N/A         | N/A            |
| Clinical (LICSW)       | \$324.49      | N/A         | N/A            |
| Direct Care Staff      | \$197.54      | \$21.44     | \$10.72        |
| Maintenance I General  | \$204.84      | \$21.44     | \$10.72        |
| Maintenance II Skilled | \$257.76      | \$24.56     | \$12.28        |

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| Positions                | <i>Per Diem Rate</i> | Hourly Rate | 30-Minute Rate |
|--------------------------|----------------------|-------------|----------------|
| Maintenance III Licensed | \$285.31             | \$27.64     | \$13.82        |
| Food Service I           | \$228.92             | \$21.44     | \$10.72        |
| Food Service II          | \$251.94             | \$23.94     | \$11.97        |
| Food Service III         | \$269.83             | \$25.90     | \$12.95        |
| Transporter              | \$196.56             | \$21.44     | \$10.72        |
| Security                 | \$196.56             | \$21.44     | \$10.72        |
| Trainer                  | \$281.00             | \$30.64     | \$15.32        |
| Clerical Support         | \$197.54             | \$21.44     | \$10.72        |

**RATES FOR YOUTH AND TRANSITIONAL AGE YOUTH DETOXIFICATION AND STABILIZATION PROGRAMS**

| Capacity | <i>Per Diem Rate</i> |
|----------|----------------------|
| 12 Beds  | \$590.04             |

(5) Administrative Adjustment for Extraordinary Circumstances. A purchasing governmental unit may request an adjustment to the published rates to reflect increases in *per diem* operating costs due to unusual and unforeseen circumstances or extraordinary client service requirements not considered in the development of the current rates. Unusual and unforeseen circumstances are events of a serious nature that affect program operations or viability to the extent that there exists a threat to the stability of service provision such that client or consumer access to necessary services is at risk. The purchasing governmental unit evaluates the need for the administrative adjustment, identifies the duration of the need, determines whether funding is available, and conveys that information to EOHHS for review to determine the amount of any adjustment.

418.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the Executive Director or Chief Financial Officer of the provider.

(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(2) Required Reports. Each provider must file

(a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;

(b) any cost report supplemental schedule as issued by EOHHS; and

(c) any additional information requested by EOHHS within 21 days of a written request.

(3) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 418.04(3).

418.05: Severability

The provisions of 101 CMR 418.00 are severable. If any provision of 101 CMR 418.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or

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unconstitutional, such determination does not affect the validity or constitutionality of any remaining provisions of 101 CMR 418.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 418.00: M.G.L. c. 118E.

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